

REMARKS

Claims 1-6, 9, 10, 28, 29, 32-37, 40, 41, 59, 60, 63-68, 71, 72, 75, 90 and 91 are pending in this Application.

Claims 1-6, 9, 10, 28, 29, 59, 60, 63-68, 71, 72, 75, 90 and 91 are allowed.

Claim rejection under 35 U.S.C. § 112, first paragraph

Claims 32-37 and 40-41 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action states that claims 32-37 and 40-41 contain subject matter “a non-transitory computer readable medium having stored therein”, which is allegedly not part of the original disclosure of the invention.

Applicant respectfully disagrees and traverses the rejection as follows.

In page 24, lines 6-16, the original specification describes that a storage unit stores a moving picture encoding program to be executed by a processor. Furthermore, this portion of the specification describes that the “storage unit” can be a cache memory, a register, a hard disk device or RAM. One skilled in the art would easily understand that at least some of the storage unit described in the original specification correspond to non-transitory computer readable medium. Therefore, the non-transitory computer readable medium in claims 32-37 and 40-41 is fully supported by the storage unit in the original specification. During a brief telephone interview on July 22, 2011, the Examiner agreed that claims 32-37 and 40-41 comply with the 35 U.S.C. § 112, first paragraph requirements.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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